

MAR 13 2013

SENATE RESOLUTION

REQUESTING ALL AGENCIES IN THE CRIMINAL JUSTICE SYSTEM TO
CONDUCT MANDATORY AND ONGOING IMPLICIT, UNCONSCIOUS BIAS
TRAINING FOR ALL EMPLOYEES.

1 WHEREAS, bias-based profiling is an action or decision
2 based solely on a trait common to a group, including but not
3 limited to race, ethnicity, gender, sexual orientation,
4 religion, economic status, background, age, or culture; and
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6 WHEREAS, the absence of facts, suspicious activity, or
7 specific criminal information is what separates bias-based
8 profiling from legitimate criminal profiling; and
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10 WHEREAS, the implicit bias phenomenon is being explored in
11 many phases of the criminal justice system and is not limited to
12 law enforcement; and
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14 WHEREAS, implicit bias is being studied in judicial
15 decision making, such as jury selection, jury instruction, and
16 sentencing decisions, as well as in hiring and promotion
17 decisions within criminal justice agencies; and
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19 WHEREAS, outside of the criminal justice field, the topic
20 has been examined in the fields of education and medicine, as
21 well as in chief executive officer selection at Fortune 500
22 companies; and
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24 WHEREAS, a discussion on implicit bias must start with a
25 brief explanation of how the brain sorts, relates, and processes
26 information; and
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28 WHEREAS, much of the day-to-day processing is done at an
29 unconscious level as the mind works through what Professor Jerry
30 Kang of the University of California, Los Angeles calls schemas,
31 which are "templates of knowledge that help us organize specific
32 examples into broad categories"; and
33

34 WHEREAS, implicit, unconscious bias is an important issue
35 in Hawaii, as evidenced by the 2010 Office of Hawaiian Affairs



1 report, "The Disparate Treatment of Native Hawaiians in the
2 Criminal Justice System" and the Native Hawaiian Justice Task
3 Force Report; and
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5 WHEREAS, the task force found that disproportionate
6 representation of Native Hawaiians in prisons suggests implicit,
7 unconscious bias against the native population by law
8 enforcement, courts, and corrections employees; and
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10 WHEREAS, there are compelling reasons to believe that
11 prosecutors unwittingly display implicit bias at a variety of
12 decision points, and in the aggregate, the harm of these biases
13 is quite substantial; and
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15 WHEREAS, the Hawaii Judiciary has conducted unconscious,
16 implicit bias training for all judges; and
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18 WHEREAS, justice should not wait, and the search for
19 fairness in the criminal justice system must continue with both
20 a moral compass and a thirst for emerging social-scientific
21 knowledge; and
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23 WHEREAS, properly defining and identifying bias-based
24 profiling is essential for the advancement of civil rights; now,
25 therefore,
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27 BE IT RESOLVED by the Senate of the Twenty-seventh
28 Legislature of the State of Hawaii, Regular Session of 2013,
29 that all agencies in the criminal justice system are requested
30 to conduct mandatory and ongoing implicit, unconscious bias
31 training for all employees; and
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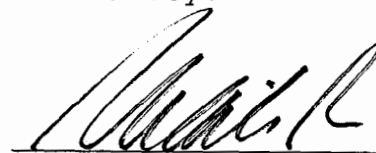
33 BE IT FURTHER RESOLVED that certified copies of this
34 Resolution be transmitted to the Attorney General, Director of
35 Public Safety, Chair of the Hawaii Paroling Authority, Honolulu
36 Prosecuting Attorney, Maui Prosecuting Attorney, Hawaii
37 Prosecuting Attorney, Kauai Prosecuting Attorney, Honolulu
38 Police Chief, Maui Police Chief, Hawaii Police Chief, Kauai
39 Police Chief, Senate President, Speaker of the House of
40 Representatives, Chair of the Senate Committee on Public Safety,
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1 Intergovernmental and Military Affairs, and Chair of the House
2 of Representatives Committee on Public Safety.
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OFFERED BY:

A handwritten signature in dark ink, appearing to be "Chair", written over a horizontal line.

